

IN THE SUPREME COURT FOR THE STATE OF MICHIGAN

PEOPLE OF THE STATE OF MICHIGAN,

Supreme Court No.

V

Plaintiff-Appellee,

Court of Appeals No. Docket #279776
(Leave blank.)
(From Court of Appeals decision.)

LAMORANI
Brian Lamorani
(Print the name you were convicted under on this line.)
Report.)

Trial Court No. 06-2343-FH
(See Court of Appeals brief or Presentence Investigation

Defendant-Appellant.

06 Macomb E. Servitto

INSTRUCTIONS: Answer each question. Add more pages if you need more space. You MUST send a copy of the Court of Appeals decision. Your application must be RECEIVED by the Supreme Court no more than 56 days from the date stamped on the Court of Appeals decision.

135247

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL

1. I was found guilty on (Date of Plea or Verdict) June 12 2006
2. I was convicted of (Name of offense) MAINTAINING A DRUG HOUSE

3. I had a ☒ guilty plea; ☐ no contest plea; ☐ jury trial; ☐ trial by judge. (Mark one that applies.)

4. I was sentenced by Judge SERVITTO on August 2, 2006
(Print or type name of judge) (Print or type date you were sentenced)

in the MACOMB County Circuit Court to _____ years _____ months
(Name of county where you were sentenced; put Recorder's Court for crimes in Detroit) (Print or type minimum sentence here)

to _____ years _____ months, and _____ years _____ months to _____ years _____ months.
(maximum sentence) (minimum sentence) (maximum sentence)

I am in prison at the Docket #279776 in _____, Michigan.
(Print or type name of prison) (Print or type city where prison is located.)

5. The Court of Appeals affirmed my conviction on SEP 17, in
(Print or type date stamped on Court of Appeals decision)
in case number Docket # 279776. A copy of that decision is attached.
(Print or type number on Court of Appeals decision)

6. ☐ This application is filed on time. (Check if filing within 21 days of date on Court of Appeals decision.)

☒ This application is filed late. (Check if filing more than 21 days but within 56 days of Court of Appeals decision.)

This application is late because: (Check all the reasons that apply. You can add others.)

☒ I had to find help.

☐ I could not get postage and supplies to file this application.

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CLERK
MICHIGAN SUPREME COURT

☒ I am not experienced or educated in the law.

☐ I did not receive my decision from my attorney in time.

☒ Other. Explain I was trying to save enough

have enough time money for a good lawyer but didn't
(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

Brian Lamerant, Defendant-Appellant

LC No. 06-002343-AH
CA No. Docket NO 279716

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

GROUND - ISSUES RAISED IN COURT OF APPEALS

7. I want the Court to consider the issues as raised in my Court of Appeals brief and the additional information below.

ISSUE I:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

ORDER
THE COURT orders that the delayed
application for leave of appeal is denied for
lack of ~~merit~~ merit in the grounds
presented

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.

☒ 2. The issue raises a legal principle which is very important to Michigan law.

☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.

☒ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

I was not guilty. THE ONLY REASON
I took a plea was because if I didn't
my whole family would have been charged
with felonies. IF THE FACTS show me
guilty then the prosecution should have
no problem giving me a trial

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)

Brian Lamoreaux
Brian Lamoreaux, Defendant-Appellant

L.C. #06-002343-FH
CA No. 279716

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

ISSUE II:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

People vs Spencer 192 Mich App 146 (1991)
hess

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☒ 2. The issue raises a legal principle which is very important to Michigan law.
- ☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☒ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

THE PLEA WITHDRAWAL IS IN THE INTEREST OF JUSTICE
THE PROSECUTION DID NOT ESTABLISH IT WOULD
BE SUBSTANTIALLY PREJUDICED. AND THE COURT DID NO
MAKE ANY SPECIFIC FINDINGS OF FACT AS TO HOW IT
WOULD BE PREJUDICED.

LC# 06-002343-FH

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

Brian Lamorand, Defendant-Appellant

CA No. 279776

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

ISSUE III:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

Abuse of discretion - People vs Bencheck 360 Mich 430 (1960)

People vs EFFinger 212 Mich App 67

People v Eloby (AFTER REMAND 315 Mich App 472 (1996))

People v THE TRIAL court abused

its discretion when it denied MR LAMORAND motion to withdraw his guilty plea when MR LAMORAND alleges coerced plea

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☒ 2. The issue raises a legal principle which is very important to Michigan law.
- ☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☒ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

ALTHOUGH when a defendant asserts his innocence
and request to withdraw his guilty plea prior to sentencing
such a request is to be treated with great liberty unless the
request is obviously frivolous THE TRIAL

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

Brian Brown, Defendant-Appellant

CA No. ~~277~~ 279776

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

ISSUE IV:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

THE COURT ABUSED its discretion not allowing me
to withdraw my plea. because it never establish how
the prosecution would be prejudiced.

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☒ 2. The issue raises a legal principle which is very important to Michigan law.
- ☒ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☒ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

_____, Defendant-Appellant

CA No. _____

INSTRUCTIONS: In the part below, only bring up issues that were in your Court of Appeals brief. Attach a copy of your Court of Appeals brief if possible. If you prepared a supplemental brief which was filed in the Court of Appeals, those issues go in this part also. You should attach a copy of that brief, too, if you can. New issues go in question 8 which starts on page 7.

ISSUE V:

A. (Copy the headnote, the title of the issue, from your Court of Appeals brief.)

B. The Court should review the Court of Appeals decision on this issue because: (Check all the ones you think apply to this issue, but you must check at least one.)

- ☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.
- ☐ 2. The issue raises a legal principle which is very important to Michigan law.
- ☐ 3. The Court of Appeals decision is clearly wrong and will cause an important injustice to me.
- ☐ 4. The decision conflicts with a Supreme Court decision or another decision of the Court of Appeals.

C. (Explain why you think the choices you checked in B apply to this issue. List any cases that you want the Supreme Court to consider. State any facts which you want the Court to consider. If you think the Court of Appeals mixed up any facts about this issue, explain here. If you need more space, you can add more pages.)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

FOR MORE ISSUES, ADD PAGES. GIVE THE SAME INFORMATION. NUMBER EACH ISSUE.

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL cont.

_____, Defendant-Appellant

CA No. _____

INSTRUCTIONS: If you want the Supreme Court to look at errors which were never raised in the Court of Appeals by your attorney or you, check **YES** in 8 below. Answer parts **A**, **B**, and **C** for each new issue you raise. There is space provided for 2 new issues. You can add more pages. If you do not have new issues go directly to question 9 on page 8.

GROUND - NEW ISSUES

8. ☒ YES, I want the Court to consider the additional grounds for relief contained in the following issues, which were not raised in my Court of Appeals brief. MCR 7.302(F)(4).

NEW ISSUE I:

A. (State the new issue you want the Court to consider.) THE police detective
~~sent copies of~~ and the prosecutor were not
convinced of any wrong doing on my part

- B. The Court should review this issue because: (Check all the ones you think apply to your case, but you must check at least one.)

☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.

☒ 2. The issue raises a legal principle which is very important to Michigan law.

- C. (Explain why you think that your choices in B above apply to this issue in your case. List any cases and citations, laws, or court rules, etc. which support your argument. Explain how they apply to this issue. State the facts which support and explain this issue. If these facts were not presented in court, explain why. You can add more pages.)

I spoke with Detective Keith and the CLINTON
Twp POLICE OEP. I GAVE Him copies of signed affidavits
with many people saying I was not living at
35618 Rutherford. He sent it to the head prosecutor
of the drug unit AND He never got any response

(DELAYED) PRO PER APPLICATION FOR LEAVE TO APPEAL (cont.)

Brian Lamorand, Defendant-Appellant

CA No. Docket # 279776

NEW ISSUE II:

A. (State the new issue you want the Court to consider.)

B. The Court should review this issue because: (Check all the ones you think apply to your case, but you must check at least one.)

☐ 1. The issue raises a serious question about the legality of a law passed by the legislature.

☐ 2. The issue raises a legal principle which is very important to Michigan law.

C. (Explain why you think that your choices in B above apply to this issue in your case. List any cases and citations, laws, or court rules, etc. which support your argument. Explain how they apply to this issue. State the facts which support and explain this issue. If these facts were not presented in court, explain why. You can add more pages.)

RELIEF REQUESTED

9. For the above reasons I request that this Court GRANT leave to appeal, APPOINT a lawyer to represent me, and GRANT any other relief it decides I am entitled to receive.

Nov 8 2007
(Date)

Brian Lamorand
(Print your name and number here.)

Brian Lamorand
(Sign your name here.)

7075 Wagon RD # 1207
(Print your address here.)

Fishers, IN